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In re Application of	:	
Masterson et al.	:	
Application No.: 10/591,806	:	DECISION
PCT No.: PCT/US2005/007936	:	
Int. Filing Date: 08 March 2005	:	ON
Earliest Priority Date: 08 March 2004	:	
Attorney Docket No.: 34149-700	:	PETITION
For: Apparatus For Electrically Mediated	:	
Delivery Of Therapeutic Agents	:	

This is in response to the petition to revive under 37 CFR 1.137(b) filed on 03 June 2009.

BACKGROUND

This international application was filed on 08 March 2005, claimed an earliest priority date of 08 March 2004, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 September 2006. Applicants filed *inter alia* the basic national fee on 06 September 2006.

On 11 May 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of \$200.00 in additional claims fees, the \$100.00 examination fee and an oath or declaration compliant with 37 CFR 1.497(a) and (b).

On 20 May 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Form PCT/DO/EO/905 mailed on 11 May 2007.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), applicant has provided a Deposit Account authorization for the required fees. With respect to the declaration, a declaration under PCT Rule 4.17(iv) was filed during the international phase. Said declaration was signed (and therefore filed) after the international filing date, but it was not completed by indicating the international application number to which it was directed. Inspection of the declaration filed on 03 June 2009 reveals that it is defective because Mr. Masterson's address was altered without being initialed at the time the declaration was signed. Therefore, requirement (1) has not been satisfied.

Regarding requirement (2), the petition includes authorization to charge the \$810.00 petition fee to Deposit Account 23-2415.

Regarding requirement (3), the petition includes a satisfactory statement of unintentional delay.

Regarding requirement (4), no terminal disclaimer is required.

DECISION

The petition is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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